**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3945 OF 2006**
**IN**
**FIRST APPEAL NO.375 OF 2006**

Vinay Maruti Surushe and ors. ..Applicants

V/s.

State Bank of India and another ..Respondents

Mr.Mandar Limaye, advocate for the applicants

**CORAM : A.S.OKA, J.**

**DATE : 19TH JANUARY, 2007**

**P.C.**

1. Office noting shows that the Respondent Nos.1 and 2 are duly served with the notice. None appears for the said Respondents. There is a money Decree against the Applicants in the sum of Rs.3,28,052.51/- along with interest @ 13% p.a. from the date of the Suit. Out of the decretal amount, a sum of Rs.3,00,000/- has been already deposited by the Applicants. Considering the facts and circumstances of the case, the Applicants will have to deposit a further amount of Rs.1,50,000/-. Since the Applicants have already deposited a

substantial amount, sufficient time will have to be granted to the Applicants to deposit further amount. Hence, Civil Application is disposed off by passing the following order.

**O R D E R**

I. There will be interim relief in terms of prayer clause (a) subject to condition of the Applicants depositing in this Court a further sum of Rs.1,50,000/- on or before 4th May, 2007.

II. If the amount is not deposited within stipulated time, interim relief will stand vacated without further reference to the Court.

III. It will be open for the first Respondent to withdraw the amount deposited by the Applicant in this Court subject to giving an undertaking to this Court to bring back the amount with appropriate rate of interest in case the Applicants succeed in the Appeal.

IV. If the amount deposited by the Applicants is not withdrawn by the first Respondent on or before 30th June, 2007, the said amount shall be invested in Fixed Deposit in any Nationalised Bank initially for a period of three years and thereafter, Fixed Deposit shall be re-newed from year to year till disposal of the Appeal.

V. There will be no order as to cost.

VI. Parties to act on an authenticated copy of this order.

**(A.S.OKA, J.)**